

**THE KAPLAN / BOND GROUP**

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The Honorable Patti B. Saris  
2500 John Joseph Moakley U.S. Cthse.  
One Courthouse Way  
Boston, MA 02210

**Re: Mark Broadley v. Mashpee Neck Marina**  
**C.A. No.: 04-11420-PBS**

Dear Judge Saris:

Please be advised that we would like to proceed "jury waived" on the above-captioned case. The black letter law is that there is no right to a trial by jury in an action brought in admiralty. *United States v. La Vengeance*, 3 U.S. 297 (1796). Trial is currently scheduled for January 2, 2008. Based upon past experience, it may be difficult to obtain jurors so soon after the holiday; the quickest and most efficient way to resolve this case would be to proceed without a jury.

Please excuse the informality, but we are making this request via letter rather than by motion as per the direction of Mr. Alba. If you would like additional law on this issue, please let us know. Thank you.

Very truly yours,

THOMAS M. BOND

TMB/et